

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 23, 2005

DIVISION ONE

[illegible]

The appeal is dismissed; writ petition denied.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
Mallano, J.

DIVISION THREE

B167277 Van Taylor (Not for Publication)
v.
Ivie, et al.

The judgment is affirmed on the count for intentional infliction of emotional distress and reversed in all other respects. The superior court is directed to conduct further proceedings consistent with this opinion. Van Taylor is entitled to recover costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B166475 Daimlerchrysler Services LLC, (Not for Publication)
v.
Zurich American Insurance Company
Marsh, Inc.

The judgment between Chrysler and Zurich is reversed with directions to the trial court to vacate the appraisal award and order a new appraisal limited to determining the cost to repair the damage to Shoppers World apart from costs necessitated by new building code requirements, the diminution in value caused by damage, and the cost of temporary repairs. The trial court is directed to enter a judgment between Chrysler and Zurich awarding damages and prejudgment interest to Chrysler based on the amounts determined by the new appraisal award, determine the prevailing party, and award costs claimed after entry of judgment as appropriate. The judgment between Zurich and Marsh is affirmed on the counts for breach of fiduciary duty and constructive fraud and reversed on the count for implied contractual indemnity with directions to the trial court to enter a judgment in favor of Marsh forthwith on the count for implied contractual indemnity. Chrysler and Marsh are entitled to recover costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B176503 Communications Relay Corp. et al. (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
 Curry, J.

May 23, 2005 (Continued)

DIVISION FOUR (Continued)

B179994 West Side Healthcare District
v.
Catholic Healthcare West

Filed order denying petition for rehearing.

DIVISION FIVE

[illegible]

The 10-year enhancements imposed and stayed pursuant to section 12022.53, subdivision (b) as to counts 51 and 53 are stricken. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J. (Assigned)

**ADD THE FOLLOWING ENTRY TO THE MINUTES OF DIVISION FIVE FOR
APRIL 14, 2005**

B175117 People (Not for Publication)
v.
Alfred Arredondo

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Kriegler, J. (Assigned)

DIVISION SIX

[illegible]

The superior court shall issue a nunc pro tunc correction of its minute order from the sentencing hearing on October 22, 2003, deleting the reference in line 32 to a \$5,300 restitution order pursuant to Penal Code section 1202.4. The minute order shall instead reflect that restitution was ordered in an amount to be determined, consistent with the court's oral pronouncement on that date.

Paragraph 9b. of the abstract of judgment shall be modified to reflect that no direct victim restitution has been ordered pursuant to Penal Code section 1202.4, subdivision(f). As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B176307 People (Not for Publication)
v.
Underwood

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B177884 People
v.
Rogers

Filed order denying petition for rehearing.

May 23, 2005 (Continued)

DIVISION SIX (Continued)

B174886 People (Not for Publication)
v.
Anderson

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B174718 Smythe (Not for Publication)
v.
County of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B172612 People (Not for Publication)
v.
Ramirez

The enhancement for personal use of a firearm imposed under section 12022.5 and stayed pursuant to section 654 is stricken. As modified, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

May 23, 2005 (Continued)

DIVISION SEVEN (Continued)

B173681 People (Not for Publication)
v.
Blount

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B172251 People (Not for Publication)
v.
Eric A.,

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B176721 Stone Age Equipment, Inc. (Not for Publication)
v.
Nelson Sports, Inc.

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Appellant is entitled to recover costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B171492 People (Certified for Publication)
v.
Russell

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B176370 Los Angeles County, D.C.S. (Not for Publication)
v.
Silvia C. and Julio C.

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B165831 Kaye
 v.
 Hall

(Not for Publication)

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

May 23, 2005 (Continued)

DIVISION SEVEN (Continued)

B169066 People (Not for Publication)
v.
Williams

The judgment is reversed.

Johnson, J.

I concur: Zelon, J.
I dissent: Perluss, P.J. (Opinion)

B174412 Berger et al.,
v.
California Insurance Guarantee Association

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B174408 Toring
v.
California Insurance Guarantee Association

Filed order denying petition for rehearing.

DIVISION EIGHT

B175606 Roshan International, Inc., (Not for Publication)
v.
Engstrom, Lipscomb & Lack et al.,

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

May 23, 2005 (Continued)

DIVISION EIGHT (Continued)

B169212 People
 v.
 Gonzalez et al.

Filed order denying petition for rehearing.